Customer No. 24498
Application No. 10/511,654

PATENT
PU020122

REMARKS

Reconsideration of this application is respectfully requested. Claims 4, 5, 6, 7, 8, 9 and 18 have been amended. As such, claims 1-21 are in this application and are presented for the Examiner's consideration in view of the following comments.

Applicants note with appreciation that claim 20 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

The Examiner has objected to claims 19, 20 and 21 because they do not recite the word "system". Applicants instead have amended claim 18 to make clear it is a method claim and not a system claim. Applicants respectfully submit this removes the basis for the Examiner's objection.

Dependent claims 4-9 have been rejected under 35 U.S.C. §112, second paragraph because of improper claim dependencies. Applicants have amended these claims to remove the basis for this rejection.

Claims 1-19 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,506,903 issued April 9, 1996 to Yamashita (*Yamashita*) in view of U.S. Patent No. 6,317,462 issued November 13, 2001 to Boyce (*Boyce*). Applicants respectfully disagree.

For the sake of this argument only, Applicants will agree with the Examiner's characterization of *Yamashita*. However, Applicants respectfully submit that the Examiner's characterization of *Boyce* misses the mark.

The combination of *Yamashita* and *Boyce* does not yield Applicants' claimed invention. In particular the Examiner states that element 507 of *Boyce* generates a second error signal, i.e., sequence error codes. Respectfully the Examiner is wrong. In fact, as stated in *Boyce*:

> Thus, RS decoder 504 is able to recover the entire sub-packet of
> HP data in the single lost third packet. If more than one packet is
> lost in this example, or more than h packets in the general case,
> then RS decoder is unable to recreate the missing data and a
> sequence error code that can be recognized by the data partitioning

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MPEG decoder 510 <u>is inserted</u> in the HP byte stream in place of

the recovered data.

Boyce, col. 12, lns. 34-40, emphasis added.

Thus, as described in *Boyce* if the RS decoder cannot correct the error – the RS decoder – <u>not element 507</u> – inserts the sequence error code. Thus, there is no element <u>generating</u> <u>a second</u> error signal as asserted by the Examiner. The sequence error code is merely passed along by element 507. <u>A second error signal is not generated</u>. Indeed, <u>there is no reason to modify</u> *Yamashita* because *Yamashita* already has an RS decoder (element 23, FIG. 2 of Yamashita).

Similar comments apply to Applicants remaining independent claims 11 and 18.

In view of the above, Applicants respectfully submit that independent claims 1, 11 and 18 are patentable over *Yamashita* in view *Boyce*. Consequently dependent claims 2-10, 12-17, 19 and 21 are also in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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